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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,005	08/31/2001	Samuel T. Barone JR.	47049/PAN/M770	1806
23363	7590	10/04/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			LAM, WAI YIP	
			ART UNIT	PAPER NUMBER

2614

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/945,005		BARONE ET AL.	
	Examiner		Art Unit	
	Wai Lam		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/07/2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1 – 2, 7 – 10, 15 – 18, 23 – 24, 29 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,477,274 (Akiyoshi et al.) in view of U.S. Patent No. 5,638,113 (Lappington et al.).

As to claim 1, Akiyoshi et al. teaches a method of displaying closed captions encoded in a video signal (Column 2, lines 59 – 63, Column 3, lines 52 – 59).

Akiyoshi et al. also teaches that in the case the caption information is overlapped on the character information in the video signal, the display position of the caption information is automatically moved (Column 7, lines 17 – 21). Therefore, control circuit 5 allocates a screen area for displaying the closed captions that is not overlapping the character information.

Akiyoshi et al. also teaches receiving said video signal (Video signal in Figure 5).

Akiyoshi et al. also teaches relocating said closed captions to said allocated screen area (Column 7, lines 17 – 21).

Akiyoshi et al. fails to teach the method of receiving interactive television data.

However, Lappington et al. teaches that settop device 28 receives encoded television signal and strips out the interactive data (Column 9,

lines 4 – 5). Therefore, Lappington et al. implicitly teaches the method of ITV data. This reads on the claimed limitation receiving ITV data.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television signal of Akiyoshi et al., using the television signal with interactive television data of Lappington et al., for the purpose of increasing viewers' awareness and promotional exposure without decreasing ad spot inventory (Column 4, lines 55 – 57).

As to claim 2, see rejection of claim 1 and note that Akiyoshi et al. also teaches the step of relocating said closed captions comprises modifying one or more screen address control codes to relocate said closed captions to the allocated screen areas (Column 3, lines 62 – 67).

As to claim 7, the relocation of closed caption is taught in the discussion of claim 1. Akiyoshi et al. further teaches the step of relocating said close captions comprises determining if a conflict exists between screen location of the closed captions and the character information (Column 2, lines 58 – 67, Column 3, lines 1 – 5, Column 6, lines 36 – 42), where character information can be modified with ITV data as discussed in claim 1.

As to claim 8, see rejection of claims 1 and 7 and note that Akiyoshi et al. teaches that the display position of the caption information is automatically moved not to be overlapped on the character information in the video signal (Column 17, lines 20 – 24). Akiyoshi et al. also teaches

Art Unit: 2614

that the information indicating the presence of a character is applied to control circuit 5. Therefore, in order to prevent overlapping between the character information and the closed captions, some form of comparison on the position of the character information and the position of the closed captions must be done by control circuit 5.

As to claim 9, see rejections of claims 1 and 7.

As to claim 10, see rejections of claims 2 and 9.

As to claim 15, see rejections of claim 9 and note that a predetermined screen location is equivalent to an allocated screen area.

As to claim 16, see rejections of claims 1 and 7.

As to claim 17, see rejections of claim 2 and 16.

As to claim 18, see rejections of claim 17 and note that a predetermined screen location is the location where closed captions and character information are not overlapping (Column 7, lines 20 – 21)

As to claim 23, see rejections of claim 1.

As to claim 24, see rejections of claims 2 and 23.

As to claim 29, see rejections of claims 7 and 23.

As to claim 30, see rejections of claims 8 and 29.

2. Claims 3 – 6, 11 – 14, 19 – 22, 25 – 28 are rejected under 35

U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,477,274 (Akiyoshi et

Art Unit: 2614

al.) in view of U.S. Patent No. 5,638,113 (Lappington et al.). as applied to claims 1 – 2 above, and further in view of U.S. Patent No. 6,097,442 (Rumreich et al.).

As to claim 3, Akiyoshi et al. and Lappington et al. teaches the limitations of claims 1 and 2 as discussed above.

Akiyoshi et al. and Lappington et al. fails to teach the step of reformatting said closed captions for display within the allocated screen area.

However, Rumreich et al. teaches a step further comprising reformatting closed captions for display within an allocated area (Column 4, lines 48 – 51).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the data decoder 2 of Akiyoshi et al., using the data interpreter of Rumreich et al., for the purpose of facilitating viewer comprehension and minimizes main picture obstructions (Column 4, lines 26 – 27).

As to claim 4, see rejections of claims 1 – 3 and note that Rumreich et al. also teaches the step of reformatting said closed captions comprises adding one or more carriage returns to said closed captions for display in a predetermined number of columns (Column 6, lines 18 – 20).

As to claim 5, see rejections of claims 1 – 3 and note that Rumreich et al. also teaches the step of reformatting said closed captions comprises altering style of the text presentation (Column 4, 19 – 24).

As to claim 6, see rejections of claims 1 – 3 and 5 and note that Rumreich et al. also teaches the step of altering the style of text presentation comprises presenting closed caption in a roll up caption mode (Column 2, lines 56 – 62, especially note modified roll up mode).

As to claim 11, see rejections of claims 3 and 10.

As to claim 12, see rejections of claims 4 and 11.

As to claim 13, see rejections of claims 5 and 11.

As to claim 14, see rejection of claims 6 and 13.

As to claim 19, see rejections of claims 3 and 17.

As to claim 20, see rejections of claims 4 and 19.

As to claim 21, see rejections of claim 5 and 19.

As to claim 22, see rejections of claim 6 and 21.

As to claim 25, see rejections of claims 3 and 24.

As to claim 26, see rejections of claims 4 and 25.

As to claim 27, see rejections of claims 5 and 25.

As to claim 28, see rejections of claims 6 and 27.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,541,662 discloses a method and system for enabling placement of video and information in a window with predetermined size and position of the window.

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai Lam whose telephone number is (571) 272-2827. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Salce
Art Unit 2611

Jason Salce
9/30/05